UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/53/224
S/1998/743
12 August 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Items 20 (c) and 45 of the
provisional agenda*
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE: EMERGENCY INTERNATIONAL ASSISTANCE FOR PEACE, NORMALCY AND RECONSTRUCTION OF WAR-STRICKEN AFGHANISTAN
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Letter dated 11 August 1998 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to transmit herewith the text of a statement issued by the Government of the Republic of Tajikistan on 11 August 1998 (see annex).

I should be very grateful if you would have the text of the present letter and its annex circulated as a document of the fifty-third session of the General Assembly, under items 20 (c) and 45 of the provisional agenda, and of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative of the
Republic of Tajikistan to the
United Nations

* A/53/150.

ANNEX

[Original: Russian]

Statement issued by the Government of the Republic of Tajikistan on 11 August 1998

It is with growing alarm and deep concern that the entire international community has observed the recent events in northern Afghanistan. The Republic of Tajikistan, while reaffirming its adherence to the fundamental principles of international relations and international law, has always advocated, and continues to advocate, non-interference in the internal affairs of other States. However, the serious deterioration of the military and political situation in a neighbouring country as a result of the large-scale military operations carried out by the Taliban movement cannot but alarm Tajikistan, which shares an extensive border with Afghanistan. Of particular concern is the fact that the Afghan conflict is being directly and actively fuelled by external forces, since this not only aggravates the situation in that country and jeopardizes the maintenance of its integrity, but also represents a genuine threat to the security of the entire Central Asian region.

Tajikistan has already observed disturbing symptoms of the escalation of military activities in Afghanistan, in the form of a sharp deterioration in the military and humanitarian situation at the Tajik-Afghan border and a significant flow of Afghan refugees towards the southern border of our country, which indicates that Tajikistan is likely to witness a massive and disorderly inflow of refugees into its territory.

Obviously, no account is being taken either of the international community's efforts to bring about a political settlement of the armed conflict in Afghanistan or of the Afghan people's desire to preserve the integrity of the State, and this has given rise to a real and direct threat against national interests and security in the countries bordering on Afghanistan and in the entire Central Asian region. For this reason, out of its strong desire to prevent any further escalation of military operations in that country, the Government of the Republic of Tajikistan calls upon:

- The parties to the conflict in Afghanistan to stop this senseless bloodshed and to open direct negotiations with a view to achieving a peaceful settlement and reaching compromise agreements, taking into account the interests of all ethnic, religious and political segments of Afghan society;

- The States parties to the Treaty on Collective Security and the Chairman of the Council of Heads of State of the Commonwealth of Independent States (CIS), Mr. Boris Yeltsin, to take the necessary steps to strengthen security in the southern part of the Commonwealth;

- The Secretary-General of the United Nations, Mr. Kofi Annan, to take urgent steps for the immediate cessation of hostilities, the opening of negotiations on a political settlement of the conflict in

Afghanistan and the prohibition of all foreign interference in the Afghan conflict.

The Government of the Republic of Tajikistan, which has repeatedly informed the international community of its position on the Afghan problem, remains convinced that the crisis in Afghanistan must be settled exclusively through peaceful political means and that the civil war which has ravaged that country for so many years must be brought to an end.

The Government of the Republic of Tajikistan stands ready to contribute to the speedy settlement of the Afghan crisis.

UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/53/225
S/1998/747
12 August 1998
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-third session
Item 113 of the provisional agenda*
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Letter dated 12 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you a letter dated 11 August 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the spurious allegations and sophistries with regard to the status of implementation of the "oil-for-food" programme that were conveyed by Mr. Max van der Stoel, Special Rapporteur on the situation of human rights in Iraq, in his report to the Commission on Human Rights dated 10 March 1998.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 113 of the provisional agenda, and of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Chargé d'affaires a.i.

* A/53/150.

Annex

Letter dated 11 August 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

We have considered the report on the situation of human rights in Iraq submitted to the Commission on Human Rights by the Special Rapporteur, Mr. Max van der Stoel, in accordance with Commission resolution 1997/60 (E/CN.4/1998/67). Among the observations the Government of Iraq has to make on the sophistries and allegations contained in the report that have no basis of truth and no connection with reality, I should like to convey to you our comments on the spurious allegations and incomplete information it contains with regard to the question of the implementation of the memorandum of understanding of 20 May 1996 between Iraq and the Secretariat of the United Nations on the implementation of the oil-for-food programme.

The Special Rapporteur knows perfectly well that since the unjust embargo was first imposed on Iraq in 1991, its Government has endeavoured with all the means and capacities at its disposal and to the full extent allowed by its resources to spare the Iraqi people, and particularly its children, the adverse consequences of an iniquitous measure that has caused intense suffering to thousands of innocent children, women and older persons and to the chronically ill.

When, in paragraph 68 of his report, the Special Rapporteur states that, in refusing to accept resolutions 706 (1991) and 712 (1991), Iraq exacerbated the suffering caused, he overlooks the fact that Iraq's rejection of those resolutions had reasons that were so fundamental that they were more compelling for Iraq and its people than the endurance of hunger and deprivation. These reasons are set forth hereunder.

(a) The two resolutions in question severely curtail Iraq's national sovereignty as a free country and a Member of the United Nations, and they impose foreign tutelage over the independent will of the people of Iraq.

(b) They divest the legitimate Government of Iraq of its powers and responsibilities vis-à-vis its citizens, and they eliminate its role as the custodian of their affairs and the guarantor of their sustenance.

(c) They accord foreign countries the right to control Iraq's national resources, and they make it permissible for them to have free disposal of its assets and oil revenues.

(d) Resolution 796 (1991) takes the humanitarian objective that is envisaged in the report of the Executive Delegate of the Secretary-General, Sadruddin Aga Khan, in order to cope with an exceptional and critical situation and then conflates it with dubious and sordid political goals.

(e) A careful reading of the two resolutions reveals that, under them, Iraq would be confronted with two options, one of them worse than the other. One is the maintenance of the embargo with all that that involves in terms of

ruin for the Iraqi people, and the other is an extremely limited exemption from the embargo in exchange for Iraq's submission to a renunciation of its sovereignty over its petroleum resources and the acceptance of the hegemony of certain members of the Security Council over its sources of oil.

(f) Clearly, resolutions 706 (1991) and 712 (1991) were adopted in a frenzied atmosphere that was fraught with tension and with enmity towards Iraq. Their provisions completely divest Iraq of sovereign authority and accord it to a group of foreign individuals and United Nations agencies, and they place Iraq in a position where it resembles a protectorate or even a refugee camp managed and controlled by foreign Powers. Such a situation is incompatible with the most elementary provisions of the Charter of the United Nations and with the text of resolution 687 (1991) itself, affirming as it does respect for the sovereignty, territorial integrity and political independence of Iraq. The two resolutions in question also have the objective of giving the United States of America and certain of its allies the right to interfere in the internal affairs of Iraq and undermine its internal situation, having failed to do this in the 30-Power aggression.

The statement made in paragraph 69 of the Special Rapporteur's report that there is discrimination among the different groups of the Iraqi people in the allocation of the limited resources available is completely untrue. Everyone knows that the ration-card system instituted by the Government of Iraq to regulate the distribution of food rations to all Iraqis and even to foreigners living in its territory is an integrated, just and comprehensive one. All of the United Nations agencies operating in Iraq and all of the humanitarian organizations that have sent visiting missions to Iraq have testified to this fact.

This equitable system of distribution has been the only basis for the distribution of foodstuffs in Iraq under the oil-for-food programme, whose implementation is being monitored by a horde of United Nations observers. The latter have not thus far reported any imbalance or discrimination in the distribution of the available foodstuffs to the people of Iraq as a whole. Had there really been any discrimination, the United Nations observers would not have hesitated to inform you accordingly and the Special Rapporteur would have shown no reluctance in citing any negative comments in that connection and in using them to defame and insult the Government of Iraq.

The Special Rapporteur speaks out in his report for the rights of the people of Iraq and of its ethnic and religious minorities and its communities in rural and urban areas and in the north and south of the country, and, on the basis of reports from the United Nations and its specialized agencies, he holds the Government responsible for the burdens imposed by the deteriorating nutritional and health situation of the Iraqi people. In paragraph 70 of his report, for example, he refers to a World Health Organization report of November 1997. We should like to discuss with him at length the reports you submit to the Security Council every 90 days on the implementation of the procurement and distribution plan so as to seek an explanation of the same situation, nearly two years having elapsed since the oil-for-food formula first went into effect. We should like to know what party it is that bears responsibility for the delayed delivery of the supplementary food basket to

Iraqis and how any party at all can halt the deterioration in the water and sanitation area when the equipment and supplies reaching Iraq for the improvement of the water grid in central and southern Iraq represent only 10 per cent of the sums allocated for that purpose under phase I.

In connection with medicines and the health situation, we ask - and perhaps we shall get an answer from the Special Rapporteur - the reasons that prompted the suspension of 55 million dollars' worth of contracts representing 26 per cent of the amount allocated for phase I under the memorandum of understanding. One of the reasons given was that there was a spelling mistake. The representative of the United States of America also tried to prevent the delivery of insecticide, despite a pressing need for it, because it had not been included in the distribution plan. This caused an outbreak of malaria that took the lives of hundreds of thousands of children and women whose resistance had been impaired.

With regard to the statement in paragraph 70 of the Special Rapporteur's report concerning prioritization and the need for contracts to be submitted in accordance with need, one may ask who has the right to decide the fate of a patient who needs cancer medication or kidney-disease medication when his neighbour is complaining of a splitting headache and there are no analgesics. Perhaps the Special Rapporteur is unaware of the fact that, before the embargo, Iraq used to maintain not less than a one-year strategic stock of medicines and that its regular imports of medicines and medical supplies, despite the stocks indicated, exceeded 500 million dollars. With the embargo and the reduction in its resources, it is being required to submit preferences and priorities for medicines and other medical supplies. Access to medicine, of whatever kind, is a basic human right, but perhaps in the usage of the Special Rapporteur such rights do not apply to Iraqis.

In paragraph 71 of his report, the Special Rapporteur criticizes the Government of Iraq for having stopped pumping oil from 8 June to 13 August 1997, thus revealing his ignorance of the terms of the memorandum of understanding. He also adopts a dualistic approach when he fails to make any reference to the fact that the first shipment of medicines reached Iraq six months after the memorandum of understanding had been signed or that the first container of chlorine, which is needed for the purification of drinking water in central and southern Iraq, arrived in October 1997, 11 months after the memorandum of understanding had entered into force.

The memorandum of understanding and the procurement and distribution plan require that the pumping of oil should correlate with the arrival of humanitarian supplies in Iraq, since the general principle of the formula is that oil is to be exchanged for food, medicine and other humanitarian needs. It is therefore unreasonable for the Special Rapporteur to focus on the pumping of oil without taking the trouble to enquire about the corresponding delivery of humanitarian supplies to Iraq.

In paragraph 72 of his report, the Special Rapporteur accuses the Government of Iraq of insisting on arguing about procedural mechanisms. What he says is completely at variance with the substance and precise details of the causative factors that are the direct reasons for the introduction of obstacles

and fundamental difficulties into the mechanisms for the processing of contracts relating to the implementation of the oil-for-food programme. These are due, in particular, to the conduct of the United States and United Kingdom representatives in the Sanctions Committee.

In dealing with this matter, the Government of Iraq meticulously follows the steps laid down in the procedures of the Security Council Committee established by resolution 661 (1990) (the 661 Committee), and it urges the companies and countries that conclude contracts with Iraq to abide by the terms and follow the procedures laid down by the Committee with a view to ensuring the speedy approval of contracts and the rapid delivery of goods to Iraq.

As I have informed you before in numerous letters, the problem begins with the submission of a contract to the secretariat of the 661 Committee, which takes days and weeks before it registers it. The reason for this is that the relevant United States expert and his United Kingdom colleague in the Committee secretariat proceed to sort through the contracts and to raise every possible obstacle in order to delay the registration of one contract or another. When, weeks later, the contract reaches the members of the Committee, it is then the role of the United States representative in the Committee to raise other obstacles that bear no relation to the procurement and distribution plan, the memorandum of understanding or the Committee's procedures themselves. It has become common knowledge in the United Nations Secretariat that it takes 66 days from the registration of a contract to its approval, 59 days for the goods to be delivered and 7 days to make the goods available for distribution. In this connection, we should like to ask the Special Rapporteur why he did not give himself the trouble to ask the reasons for such delays and obstacles in the 661 Committee.

The positions taken by the representative of the United States of America in order to obstruct the process of implementing the memorandum of understanding are reflected in the large number of contracts that he has had placed on hold or has blocked. All of them are for humanitarian items that were included in the categorized lists annexed to the purchase and distribution plan approved by you. For example, of the contracts relating to phase II of the memorandum of understanding, which ended on 3 January 1998, as of 30 July 1998, 21 contracts for medical supplies and food and for equipment for the electricity sector were still on hold in the 661 Committee, 20 contracts had been blocked and there were 40,385,000 dollars' worth of contracts that had been approved by the Committee but for which the bank holding the Iraq Account had yet to open the relevant letters of credit while awaiting certain bank settlements that it had been dilatory in completing. With regard to phase III, which ended on 30 May 1998, 17 contracts, which are also for the purchase of foodstuffs, medical supplies and equipment for the electricity sector, remain on hold and 22 contracts relating to the same sectors have been blocked.

The adoption of a single, ongoing distribution plan under the food-for-oil programme, referred to by the Special Rapporteur in paragraph 73 of his report, is incompatible with the spirit and letter of Security Council resolution 986 (1995), which stipulates that the measure in question is to be of an exceptional and temporary nature. Paragraph 6 of the memorandum of understanding provides that the Government of Iraq is to be responsible for the

preparation of the procurement and distribution plan for submission to the Secretary-General of the United Nations for his approval. The Special Rapporteur and others doubtless realize that it is the Government of Iraq that is best able to assess the needs of Iraqis and to determine the means by which they can be met.

The whole world is aware of the scale of the damage done to Iraq's infrastructure by the war, and it knows that the embargo has since finished off what little remained. Throughout the eight years of the embargo, Iraq has been unable to obtain the necessary spare parts to maintain the equipment and machinery that keep the economic process going or to reconstruct the infrastructure of the Iraqi economy.

Despite the allegations made by the Special Rapporteur in paragraph 75 of his report, the Government of Iraq has not been reluctant to meet its economic, social and cultural obligations to the people of Iraq. Iraqis have been prevented from obtaining even pencils, pulp for paper-making, printing inks and other basic requirements of culture and education. Reference can be made to the reports of United Nations agencies such as UNICEF and UNESCO noting the degradation of school and hospital buildings because the materials necessary for their repair and reconstruction and for the provision of an appropriate learning environment for students at all levels of education are not available. The Special Rapporteur cannot ignore the magnitude of the obstacles raised by the representative of the United States of America in preventing the approval of contracts for computers for the Ministry of Education and the Ministry of Higher Education and Scientific Research. There is also the blanket embargo imposed on Iraq with regard to its access to scientific, medical and cultural publications.

All the statements made in the report of the Special Rapporteur that concern the memorandum of understanding lack credibility and objectivity. It might be supposed that a person occupying such a position at the United Nations would seek to be precise in framing his comments and that he would examine information carefully before including it in his report and using it as grounds on which to condemn the Government of Iraq. The Government of Iraq, in the meantime, has adopted all possible means and has done its very utmost to mitigate the burden of the embargo on the people of Iraq.

Instead of thrusting himself into a tendentious political controversy at the prompting of futile political objectives, the Special Rapporteur would be better advised to consider the suffering of millions of Iraqis prevented from obtaining their most elementary and basic humanitarian needs in violation of all human and divinely-inspired values, principles and customs. He should condemn the policy of the economic embargo, which has become an instrument used by the major Powers to oppress the peoples of the world and deprive them of such basic rights as the right to a life of freedom and dignity in order to achieve base political objectives. He should raise his voice for a halt to the inhuman suffering of the children and the people of Iraq, hundreds of thousands of whom are falling victim to an unjust embargo whose true nature is that of a war of mass extermination being waged against an entire people, the like of which is unknown in the history of mankind.

I request you to have this letter circulated as a document of the General Assembly, under item 113 of the provisional agenda, and of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq